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ONLINE INFORMATION

www.snohomishcountywa.gov/1190



This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Land Disturbing Activity (LDA) Permits

Assistance Bulletin

#87

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This bulletin provides information about new stormwater regulations and rules effective September 30, 2010. The regulations and rules address drainage control, land disturbing activity (clearing and grading) and low impact development. All stormwater definitions are found in Chapter 30.91 SCC. This bulletin explains when a land disturbing activity (LDA) permit is required for new development and redevelopment.

On September 30, 2010, all land disturbing activity will require an LDA application for, and the issuance of, an LDA permit prior to commencement pursuant to Chapter 30.63B SCC (Land Disturbing Activity) except for:

- Projects vested to prior drainage, grading and low impact development regulations in Title 30 SCC.
- Exempt activities listed in SCC 30.63B.070.

Q: What is “new development”? (See SCC 30.91N.044)

A: “New development” includes the following land disturbing activities: Class IV - general forest practices; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivisions, short subdivisions, residential condominiums, single-family detached units (SFDU), residential condominiums, planned residential developments, binding site plans and commercial developments.

Q: What is “redevelopment”? (See SCC 30.91R.070)

A: “Redevelopment” includes activities taking place on a site that already has 35% or more existing impervious surface coverage, such as the creation of new impervious surface(s); structural development including construction, installation, expansion or replacement of a building footprint or other structure; replacement of existing impervious surface that is not maintenance; and land disturbing activity.

Q: What is “land disturbing activity”? (See SCC 30.91L.025)

A: “Land disturbing activity” is any activity that results in earth movement or a change in the existing soil cover or soil topography (both vegetative and non-vegetative), including the creation and/or replacement of impervious surfaces.

Q: What are common “land disturbing activities”? (See SCC 30.91L.025)

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.

A: Land disturbing activities include, but are not limited to:

- Clearing,
- Grading, and
- Compaction associated with stabilization of structures and road construction.

Q: Are maintenance activities land disturbing activity?

A: Vegetation and drainage facility maintenance practices are not LDA, provided that the maintenance is performed according to standards adopted by Snohomish County.

Q: Are traditional agricultural practices land disturbing activity?

A: Land disturbing activities do not include agricultural plowing and tilling exempt from stormwater regulations pursuant to SCC 30.63A.200. There is additional information in [Bulletin #86](#) on commercial agriculture exemptions.

Q: What are “impervious surfaces”?

A: “Impervious surfaces” are surfaces such as gravel and paved driveways and parking areas; rooftops, (including overhangs), sidewalks and covered patios and decks.

Q: What is “clearing”? (See SCC 30.91C.112)

A: “Clearing” is the destruction or surface removal of vegetation by cutting, pruning, limbing, topping, relocating manually or mechanically, application of herbicides or pesticides or other chemical methods, or any application of hazardous or toxic substance that has the effect of destroying or removing the vegetation.

Q: What are “grading,” “excavating” and “filling”? (See SCC 30.91G.075, SCC 30.91E.120 and SCC 30.91F.210)

A: “Grading” is any excavating or filling or combination of both. “Excavating” is the mechanical removal of earth material. “Filling” is a deposit of earth material placed by artificial means. SCC 30.91E.020 defines earth materials as, “any rock, natural soil or fill or any combination thereof.”

Q: How will I know if my new development project would require a land disturbing activity permit?

A: First, determine if your project is vested to codes in effect prior to September 30, 2010. If so, obtain the Grading [Bulletin #35](#) and the grading permit application for projects vested prior to September 30, 2010. Second, if your project is not vested to the stormwater regulations in effect prior to September 30, 2010, determine if your project is exempt from obtaining a LDA permit.

Q: How can I find out if my project is exempt from the land disturbing activity requirements?

A: Land disturbing activity exemptions are identified in SCC 30.63B.070.

Q: When does new development or redevelopment require an LDA permit and a targeted stormwater site plan?

A: Unless an activity is exempt under SCC 30.63B.070, approval of an LDA permit is required prior to conducting LDA if the new development or redevelopment:

- Results in or adds 2,000 square feet or greater of new, replaced or new plus replaced impervious surface area; or
- Causes land disturbing activity of 7,000 square feet or greater.

All LDA must comply with all applicable provisions of chapter 30.63A SCC (Drainage). The thresholds above trigger drainage minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) and require the submittal of a targeted stormwater site plan.

Q: When does new development or redevelopment require an LDA permit and a full stormwater site plan?

A: Unless an activity is exempt under SCC 30.63B.070, approval of an LDA permit is required prior to conducting LDA if the new development or redevelopment:

- Results in or adds 5,000 square feet or more of new impervious surface area;
- Converts three-quarters of an acre or more of native vegetation to lawn or landscaped areas; or
- Converts 2.5 acres or more of native vegetation to pasture.

All LDA must comply with all applicable provisions of chapter 30.63A SCC (Drainage). The thresholds above trigger minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) and require the submittal of a full stormwater site plan.

Q: Do other requirements apply to redevelopment?

A: Yes, additional drainage review requirements apply to certain redevelopment projects. Please see SCC 30.63A.700.

Q: What drainage review requirements must I comply with if I am doing a land disturbing activity?

A: All LDA requires compliance with Chapter 30.63A SCC drainage requirements. Some LDA that is exempt under Chapter 30.63B SCC requires compliance with Minimum Requirement 2 in Chapter 30.63A SCC to address soil erosion and sedimentation control. When MR 2 compliance is required, a stormwater pollution prevention plan (SWPPP) must be developed and implemented.

Q: What is a stormwater pollution prevention plan (SWPPP)?

A: A “Stormwater pollution prevention plan” or “SWPPP” is a narrative and site plan that identifies measures to prevent and control contamination of point source discharges of stormwater.

Q: What clearing can I do without a permit?

A: Clearing of less than 7,000 square feet is permitted without an LDA permit (outside of a critical area); however, compliance with Chapter 30.63A SCC (Drainage) Minimum Requirement 2 Stormwater Pollution Prevention Plan for soil erosion and sediment control is required for some exempt projects.

Q: What if I want to cut down trees on my property that are in a critical area?

A: Removal of as much timber as desired for personal use is allowed, provided that it is not removed from a critical area and an LDA permit is obtained when the clearing is 7,000 sq. ft. or greater. Trees that are located in a Native Growth Protection Area (NGPA) or Critical Area Protection Area (CAPA) or a County approved landscaping plan may not be cut without prior approval from Snohomish County. Properties that are less than two acres may remove as much timber as they wish provided the timber is not removed from a critical area and a land disturbing activity permit is obtained when the clearing is 7,000 square feet or greater (See SCC 30.68B.070). The timber may be for personal use only.

Q: Are permits other than an LDA permit required if I want to cut down trees on my property that are outside of a critical area?

A: For properties two acres or larger, up to 5,000 board feet (bf) of timber in a 12 month period, may be harvested for personal use from areas that are OUTSIDE of critical areas without a Forest Practice Permit.

If cutting over 5,000 bf, or ANY cut timber leaves the site to be traded, bartered, or sold, a Forest Practice permit is required. For further information, please call our office at 425-388-3311 or submit questions online at AskPermitTech@snoco.org. You might also want to contact the Washington State Department of Natural Resources, 919 N. Township Street, Sedro Woolley, WA 98284, 1-800-527-3305, <http://www.dnr.wa.gov/BusinessPermits/Pages/home.aspx>.

Q: What are some examples of clearing that can be done without an LDA permit?

A: The following land disturbing activities would generally not require an LDA permit:

- Clearing less than 7,000 square feet LDA outside of a critical area (except a floodplain and aquifer recharge areas of low or moderate sensitivity to groundwater contamination), or critical area buffer or setback .
- Clearing less than 7,000 square feet in a Class IV General Forest Practice.
- Class IV Special Forest Practices (non-conversion).
- Typical urban/rural driveway less than 100 cubic yards.
- Some road maintenance.
- Some utility maintenance and repairs.

Q: What are some examples of clearing that would require an LDA permit?

A: The following land disturbing would require an LDA permit:

- Clearing 7,000 square feet or more for a swimming pool.
- Clearing 7,000 square feet to build an accessory building.
- Any clearing in a critical area (except a floodplain and aquifer recharge areas of low or moderate sensitivity to groundwater contamination), buffer or setback .
- Class IV General Forest Practices 7,000 square feet & larger.
- Reclamation pursuant to SCC 30.63B.170.
- Any mining operation that may destabilize or undermine any adjacent or contiguous property.
- Any mining operation that may result in an adverse downstream drainage impact.

Q: Can I make an emergency repair involving a land disturbing activity?

A: Yes, if you meet the requirements under SCC 30.63B.380. See PDS Bulletin # 88 Land Disturbing Activity Emergency Actions.

Q: If I need a land disturbing activity permit for clearing or grading, what do I do?

A: An LDA permit application packet is available from the PDS Customer Support Center, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, WA, or at www.snohomishcountywa.gov/1250.

Q: What if I have other questions?

A: Call (425) 388-3311 or submit questions online at AskPermitTech@snoco.org. Remember, asking questions first can save lots of headaches, heartaches and money!

Q: What are other sources of information related to this topic?

A: Please see the following Bulletins:

- [Bulletin # 86](#) Land Disturbing Activity Exemptions
- [Bulletin # 87](#) Land Disturbing Activity Terms
- [Bulletin # 88](#) Land Disturbing Activity Emergency Actions

Note: If your project is vested to regulations in effect prior to September 30, 2010, please see PDS [Bulletin # 35](#)